



STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES
CHARLESTON 25305
DIVISION OF WASTE MANAGEMENT
1260 Greenbrier Street
Charleston, West Virginia 25311

GASTON CAPERTON
Governor

J. EDWARD HAMRICK III
Director

LARRY W. GEORGE
Deputy Director

ORDER

ISSUED UNDER THE
HAZARDOUS WASTE MANAGEMENT ACT
WEST VIRGINIA CODE, CHAPTER 20, ARTICLE 5E

Order Number HW-153-88

WVD 00 079 7720
TO: Wheeling-Pittsburgh Steel Corporation
Route 2
Beech Bottom, West Virginia 26030

ATTENTION: Ms. Nancy Ray

This Order is issued by the Chief of the Division of Waste Management (hereinafter "Chief"), under the authority of West Virginia Code, Chapter 20, Article 5E, Section 14 to Wheeling-Pittsburgh Steel Corporation (hereinafter Wheeling-Pitt). Under this Order, Wheeling-Pitt agrees to undertake all actions required by the terms and conditions of this Order and consents to and will not contest the Chief's jurisdiction regarding this Order. However, Wheeling-Pitt does not admit to any factual and legal determinations made by the Chief in this Order and reserves all rights and defenses available regarding liability or responsibility in any proceedings regarding Wheeling-Pitt other than proceedings, either administrative or civil, to enforce this Order.

MM CONTINGENT ACTION
RECEIVED
JUN 16 1988

Basis for Order

In support of this Order, the Chief hereby finds the following:

1. A Compliance Evaluation Inspection (CEI) of this facility on October 21, 1987 (supplemental memo) revealed that Wheeling-Pitt was storing hazardous wastes without a permit or interim status, in violation of Section 11.1 of the West Virginia Hazardous Waste Management Regulations and Chapter 20, Article 5E, Section 8 of the Code of West Virginia and, that satellite accumulation containers were neither kept closed nor labelled with the words "Hazardous Waste" (or other appropriate markings) in violation of Section 6.3.5.c. of the West Virginia Hazardous Waste Management Regulations (hereinafter "the Regs").
2. A CEI inspection of this facility on October 19, 1988 disclosed that Wheeling-Pitt has been storing containers of hazardous waste on-site without a permit or interim status, in violation of Section 11.1 of the Regs and Chapter 20, Article 5E, Section 8 of the Code of West Virginia. This is a repeat violation.
3. This same inspection also revealed that containers of hazardous waste accumulated in the satellite accumulation area were not moved to the drum storage area and marked and labelled in accordance with Section 6.3.5.a. of the Regs within three (3) days of their being filled, in violation of Section 6.3.5.c. of the Regs. This is a repeat violation of Satellite Area Accumulation Regulations.
4. Additionally, during this same inspection, it was revealed that some containers of hazardous waste being accumulated on-site were not marked with the words "Hazardous Waste", in violation of Section 6.3.5.a.4. of the Regs and some containers of hazardous waste being accumulated on-site were not marked with the date upon which accumulation began, in violation of Section 6.3.5.a.2. of the Regs.
5. Also, this inspection revealed that the facility's Contingency Plan did not contain the phone number or addresses of the facility's emergency coordinators, in violation of 40 CFR §265.52(d) as referenced by Section 6.3.5.a.5. of the Regs.
6. A case-development inspection of Wheeling-Pitt on December 22, 1988 disclosed that the containers of hazardous waste which were previously being stored in violation of Section 11.1 of the Regs were still on-site and that the previously unmarked and un-dated drums were now marked but dated with dates which were not the dates upon which accumulation began.


Requirements of Order

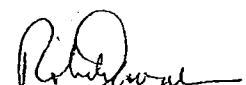
Now, therefore, in accordance with Chapter 20, Article 5E, Section 14 of the Code of West Virginia, it is hereby agreed between the parties and ORDERED by the Chief as follows:

1. Within 30 days of the date of this Order, Wheeling-Pitt must remediate all of the violations listed in Basis for Order. To wit: all containers of hazardous waste being stored in violation of Section 11.1 of the Regs must be shipped off-site in compliance with all applicable regulations, all containers of hazardous waste being accumulated on-site must have the words "Hazardous Waste" marked on them as well as the date upon which accumulation began, all containers of hazardous waste in the satellite accumulation area must be managed in accordance with Section 6.3.5.c. of the Regs, and finally, that the facility's contingency plan must be complete and up-to-date in full compliance with 40 CFR §265.52(d).
2. Wheeling-Pitt must document these remedial actions to the Chief, in writing, within the 30 day time-frame.
3. For violations specified in Basis for Order, Wheeling-Pitt will pay an Administrative Settlement of \$25,500 to the West Virginia Hazardous Waste Management Fund.
4. For each day that Wheeling-Pitt fails to meet any deadline or performance requirement specified in this Order, Wheeling-Pitt agrees to pay into the West Virginia Hazardous Waste Management Fund \$250.00 for each day the action remains incomplete. If any action is not completed after 30 days of its required due date, Wheeling-Pitt agrees to pay into the West Virginia Hazardous Waste Management Fund \$1000.00 for each day, exceeding the initial 30 days, until such time as the action is complete.
5. The Chief expressly reserves all rights and defenses which he may have pursuant to any legal authority as well as a right to raise, as a basis for supporting such legal authority or defenses, facts other than those enumerated in Basis for Order.
6. Wheeling-Pitt hereby waives its right to appeal this Order under the provisions of Chapter 20, Article 5E, Section 19 of the Code of West Virginia.

MAR 15 1989

Date of Issuance


B. Douglas Steele, Ph. D., Chief
Division of Waste Management


Wheeling-Pittsburgh Steel Corporation
Vice President, Secretary and
General Counsel

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EXTENT OF DEVIATION FROM REQUIREMENT			
	MAJOR	MODERATE	MINOR
MAJOR	\$25,000 to \$22,000	\$22,000 to \$17,000	\$17,000 to \$13,000
MODERATE	\$22,000 to \$16,000	\$16,000 to \$ 8,000	\$ 8,000 to \$ 5,000
MINOR	\$10,000 to \$ 8,000	\$ 8,000 to \$ 5,000	\$ 5,000 to \$ 2,000

Matrix Calculation

For

Wheeling-Pittsburgh Steel Corporation

<u>Violation</u>	<u>Deviation/Potential Harm</u>	<u>Amount</u>
11.1	Major/Moderate	\$22,000
6.3.5.c.	Major/Moderate	\$22,000
	Administrative settlement	\$44,000
	Factor x .50	\$22,000
6.3.5.a.	Major/Minor	\$14,000
	Administrative Settlement	
	Factor (1st time violation)x.25	\$ 3,500
		\$ 3,500
		\$25,500